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July 22, 2020

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VIA ECF

The Honorable Sarah L. Cave
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Courtroom 18A
New York, New York 10007-1312

Re: Letter-Motion to Seal
Coty Inc. et al v. Cosmopolitan Cosmetics Inc. et al., No. 18-CV-11145 (LTS)
(SLC) (S.D.N.Y.)

Dear Judge Cave:

Pursuant to Your Honor's Individual Practice Rule I.F, and the Protective Order (ECF No. 59) entered by the Court on August 19, 2019, Plaintiffs respectfully request permission to file under seal certain confidential documents being submitted for *in camera* review by the Court as required by the Court's July 2, 2020 order (Dkt. 103, the "Order"). Plaintiffs further request permission to file under seal the accompanying joint cover letter (the "Joint Cover Letter") and explanatory exhibit (exhibit 1 thereto), each of which contain confidential excerpts from the Plaintiffs' license agreements. This motion is submitted in an abundance of caution, with recognition that the Court has already ordered that these documents be submitted for *in camera* review (see *Order*, ¶1(b)).

As more fully explained in the Joint Cover Letter, the Parties have been unable to resolve their dispute concerning the confidentiality and redaction of certain documents produced by Plaintiffs and designated as Confidential or Highly Confidential – Attorneys' Eyes Only under the Protective Order. Accordingly, pursuant to the Order, Plaintiffs are submitting the following documents for *in camera* review by Your Honor:

- i. Two (2) sets of Plaintiffs' five (5) license and related agreements, including one set that has no redactions to any of the provisions specifically challenged by Cosmopolitan, and one set containing Plaintiffs' proposed redactions to these provisions;¹ (Exs. 2-11)

¹ In both sets, Plaintiffs have left redacted any provisions that are not in dispute.

Hon. Sarah L. Cave
July 22, 2020
Page 2

- ii. Fourteen (14) additional documents produced by Plaintiffs and designated as Highly Confidential – Attorneys’ Eyes Only; (Exs. 12-25) and
- iii. Plaintiffs’ responses and objections to four (4) sets of Cosmopolitan’s requests for admission, which are designated Confidential (Exs. 26-29).

Because such documents have been designated by Plaintiffs as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” under the Protective Order, contain confidential information from such documents, or, in the case of the unredacted license agreements, have not been produced at all, Plaintiffs respectfully request that this motion to seal these documents at the *ex parte* level be granted.

Respectfully Submitted,

/s/ Robert N. Potter

Robert N. Potter

cc: All Counsel of Record (via ECF)

Plaintiffs' first Letter-Motion to seal (ECF No. 106) is terminated as filed in error and corrected Letter-Motion to seal (ECF No. 107) is GRANTED. The Court will review the sealed documents in due course. The parties are directed to, in the interim, move forward with the rest of discovery.

The Clerk of Court is respectfully directed to close ECF Nos. 106 and 107.

SO-ORDERED 7/23/2020


SARAH L. CAVE
United States Magistrate Judge